

Message Text

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PAGE 01 USBERL 00410 031129Z

14

ACTION EUR-12

INFO OCT-01 ISO-00 OMB-01 IO-11 ACDA-05 CIAE-00 DODE-00

PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

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FM USMISSION USBERLIN
TO AMEMBASSY BONN
INFO SECSTATE WASHDC 2051
AMEMBASSY BERLIN UNN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS

C O N F I D E N T I A USBERLIN 0410

E.O. 11652: XGDS-1
TAGS: PGOV, PFOR, WB, GE, GW
SUBJECT: DECEMBER 19 INNER-GERMAN AGREEMENT--REICHSBAHN CONSTRUCTION
DIFFICULTIES

REF: A) USBERLIN 395, B) USBERLIN 378; C) USBERLIN 350; D) BONN 3174

1. FOLLOWING ARE STEPS AGREED UPON BY ALLIED POLADS
MARCH 2 TO ENCOURAGE REICHSBAHN COMPLIANCE WITH BK/O(75)15.

2. LIAISON OFFICERS SHOULD ASK SENAT TO MAKE SEVERAL MOVES:

A. SENAT SHOULD APPROACH SIEMENS AND ANY OTHER FIRMS
(EXCEPT HILBIG AND VENTZKE, THE COMPANY APPARENTLY
DEPENDENT ON REICHSBAHN, WHICH MIGHT HAVE ACCEPTED
REICHSBAHN CONTRACTS, AND ASK THEM TO CONVEY AN
ADMONITORY MESSAGE TO REICHSBAHN. MESSAGE SHOULD BE
THAT FIRM IS CONCERNED BY LACK OF ALLIED WORK
AUTHORIZATION. IT MUST THEREFORE CEASE WORK (OR NOT
BEGIN IT) UNTIL PROPER PERMISSION IS FORTHCOMING.
SENAT SHOULD ALSO ADVISE OTHER PROSPECTIVE WEST BERLIN
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PAGE 02 USBERL 00410 031129Z

CONTRACTORS (WE HAVE HEARD EIGHT SUCH COMPANIES
MENTIONED), WARNING THEM OF PROBLEM, AND ADVISING THEM

TO FOREGO SIGNATURE OF CONTRACTS WHICH MIGHT LATER
CONFRONT THEM WITH CHOICE OF COMPLIANCE WITH CONTRACT
OR COMPLIANCE WITH ALLIED ORDER. THIS SHOULD BE DONE
AS SOON AS POSSIBLE.

B. SENAT SHOULD BE INSTRUCTED TO DESIST FROM TAKING
ANY ACTION OR SETTING UP NEW TALKS WITH REFERENCE TO
LAND AND FACILITIES DESIRED BY REICHSBAHN, PENDING
LATTER'S COMPLIANCE WITH BK/O(75)15.

C. SENAT SHOULD IMMEDIATELY SEND A CUSTOMS INSPECTOR
TO WANNSEE STATION TO LOOK FOR FURTHER EVIDENCE THAT
RAILS OR TIES ARE BEING REMOVED. HE SHOULD ASK FOR
DESTINATION OF REMOVED MATERIAL, AND, SHOULD IT BE GONE,
ASK WHERE IT WAS SENT. HE SHOULD REMIND REICHSBAHN
OF CONTINUED REQUIREMENT OF COMPLIANCE WITH BK/O(49)217,
WHICH REQUIRES US APPROVAL PRIOR TO REMOVAL OF
MATERIAL FROM THE US SECTOR. HE SHOULD STAY WITHIN
HIS AREA OF COMPETENCE, I.E. ILLEGAL EXPORT OF
MATERIAL, AND ZET GET INTO CONSTRUCTION.

3. LEGAL ADVISERS SHOULD MEET MARCH 3 TO DRAFT MODEL
ORDERS WHICH MIGHT BE APPLIED TO COMPEL PRIVATE FIRMS
TO CEASE WORK FOR REICHSBAHN IN TERMS OF AK ORDINANCE
511 (PROBABLY BY DIRECTING ENFORCEMENT MECHANISM,
E.G., FINES, AGAINST COMPANY OFFICERS). THESE DRAFTS
SHOULD BE EXPEDITIOUSLY FURNISHED TO EMBASSIES, SOLICITING
THEIR VIEWS WHETHER OR NOT SUCH A STEP COULD BE TAKEN
IF COMPLIANCE IS NOT OTHERWISE OBTAINED.

4. DEPUTY POLADS SHOULD NOW BEGIN TO CONSIDER POS-
SIBLE CONSEQUENCES AND FURTHER LATER OPTIONS, IF
REICHSBAHN CONTUMACY PERSISTS.

5. THE EMBASSIES SHOULD BE ASKED TO INQUIRE OF FRG
WHETHER NEGOTIATING HISTORY OF GAUS-NIER ET. AL. ON
STATIONS AGREEMENT TOUCHED ON ALLIED EXPECTATIONS THAT
THERE WOULD BE NO CHANGE IN EXISTING PROCEDURES, AND
THAT REICHSBAHN WOULD HAVE TO OBTAIN NORMAL ALLIED
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PAGE 03 USBERL 00410 031129Z

APPROVALS. (IN DECEMBER, HERZ ASSERTED THAT CONSTRUCTION
WOULD BE DONE IN ESTABLISHED WAY.) EMBASSIES SHOULD
CONSIDER ASKING FRG TO REENGAGE ITSELF ON THIS POINT
WITH GDR, SINCE FRG WAS ORIGINAL NEGOTIATOR, AND HAS
LEVERAGE, I.E., CASH.

6. EARLY NEXT WEEK, THE CHAIRMAN POLAD (FRENCH)
SHOULD FOLLOW UP US APPROACH TO SOVIET EMBASSY OF FEBRUARY 27. GEORGE

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